SUPREME COURT OF THE UNITED STATES.

No. 79.

N. AND J. DICK & CO., PLAINTIFFS,

vs.

HARDIN D. RUNNELS.

ON A CERTIFICATE OF DIVISION IN OPINION FROM THE CIRCUIT COURT U. S. FOR THE DISTRICT OF MISSISSIPPI.

UNITED STATES OF AMERICA, *District of Mississippi*, } *Ss.*

At a circuit court of the United States, in and for the ninth circuit and district of Mississippi, begun and held at Jackson, on the first Monday of May, in the year of our Lord one thousand eight hundred and thirty-eight:

Present, the honorable John McKinley, one of the associate justices of the Supreme Court of the United States, and the honorable George Adams, district judge.

N. & J. DICK & Co.
vs.
HARDIN D. RUNNELS.

Circuit court U. S., May term, 1838—action of assumpsit.

Be it remembered, that on the trial of the above cause, on the 11th day of June, 1838, the plaintiffs' counsel offered in evidence a deposition, attached to which was a certificate in these words, viz:

"And I, the said Paul Bertus, recorder of the first municipality, and acting mayor of the city of New Orleans aforesaid, do certify, that the deposition of the said William Christy was taken as aforesaid, because he, the witness, lives at New Orleans aforesaid, a greater distance than one hundred miles from Jackson, the place of trial of the suit or matter of controversy aforesaid, and I caused no notification of the time and place of the taking of said deposition to be made out and served upon Harden D. Runnels, the adverse party, or his counsel, to be present at the taking of said deposition, and to put interrogatories, if he or they thought proper, because neither the said Hardin D. Runnels nor his counsel live within one

J. & G. S. GIDEON, printers.